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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/816,615	03/13/97	MANZO	S 1876 (203-183

33M1/0919
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EXAMINER	
ISABELLA, D	
ART UNIT	PAPER NUMBER
3308	3

DATE MAILED: 09/19/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.
08/816,615

Applicant(s)
MANZO ET AL

Examiner
ISABELLA, DAVID

Group Art Unit
3308



☒ Responsive to communication(s) filed on Jul 16, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-25 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 5-7, 9, and 16-25 is/are rejected.

☒ Claim(s) 2-4, 8, and 10-15 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3308

Claim Rejections - 35 USC § 112

1. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, there is no antecedent support for "the bottom surface".

Claim 2, see claim 1 supra.

Claim 3 is indefinite. The specification fails to provide basis for a sealing assembly between the top and bottom surfaces. It appears that the groove and rib performs the sealing function when the tissue is placed therebetween.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,5,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Owen.

Owen discloses the graft attachment as claimed.

3 Claims 1,5,6,9,16,17,18-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaster.

 Kaster discloses a graft attachment and method for attaching a graft identical to that as broadly claimed.

4. Claims 2,3,4,8,10-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

 Any inquiry concerning this communication should be directed to DAVID J ISABELLA at telephone number (703) 308-3060.

A handwritten signature in black ink, consisting of a stylized 'D' and 'J' followed by a long, sweeping horizontal line.

DAVID J ISABELLA

PRIMARY EXAMINER

DJI

9-15-97